

**REMARKS**

Claims 1 through 18 were presented for examination in the present application and remain pending upon entry of the instant amendment. Claims 4, 5, 14, 17, and 18 have been withdrawn as being directed to a non-elected species. Thus, claims 1 through 3, 6 through 13, 15, and 16 are presented for examination. Applicants respectfully reserve the right to file a divisional application directed to the subject matter of all non-elected claims.

The specification has been amended to correct an obvious error, namely to include reference number 132, which can be seen in Figure 8.

Applicants previously elected the process of Group II (claims 1 through 18) and cancelled the claims of non-elected Group I (claims 19 and 20). The Office Action now requires restriction among four species within the process of previously elected Group II (claims 1 through 18). Specifically, the Office Action asserts that the application includes a first species shown in Figures 1-3, a second species shown in Figures 4-13, a third species shown in Figures 14-22, and a fourth species shown in Figures 23-31. The Office Action asserts that no claims are generic.

Applicants elect, with traverse, the invention of the second species (e.g., Figures 14-22), which includes claims 1 through 3, 6 through 13, 15, and 16.

Applicants traverse the restriction requirement with respect to the first species. Specifically, Applicants respectfully submit that Figures 1-3 are not directed to a species of the claimed process in Group II, but rather Figures 1-3 are directed to the fin structure of non-elected Group I. Reconsideration and withdrawal of the current requirement for restriction with respect to Figures 1-3 are respectfully requested.

Applicants also traverse the assertion that current no claims are generic. Rather, Applicants respectfully submit that claim 1 is generic to the second, third, and fourth species.

Claim 1 recites the step of "forming a support structure".

The second species (Figures 4 through 13) discloses using portions of the SiGe layer 104 and the silicon layer 106 as the "support structure". The third species (Figures 14 through 22) discloses using a spacer 140 as the "support structure". The fourth species (Figures 23 through 31) discloses using the structure provided by the gate layer 174, the gate insulating material 172, and first insulating material 170 as the "support structure". It is respectfully submitted that the "forming" step of claim 1 is generic to each of the second, third, and fourth species.

Reconsideration and withdrawal of the finding that no current claim is generic are respectfully requested. Non-elected claims 4, 5, 14, 17, and 18 have been withdrawn, but remain pending for rejoinder upon allowance of a generic claim.

In view of the above, it is respectfully submitted that the present application is in condition for examination. Applicants respectfully request favorable consideration and passage of this application to allowance.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

January 6, 2006

Respectfully submitted,



Charles N. J. Ruggiero  
Reg. No. 28,468  
Attorney for Applicant(s)  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> floor  
Stamford, CT 06901-2682  
Tel: (203) 327-4500